

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Complaint of WorldCom Technologies, Inc. (successor-in-interest to MFS Intelenet Service of Massachusetts, Inc.) against New England Telephone and Telegraph Company d/b/a Bell Atlantic – Massachusetts for alleged breach of interconnection terms entered into under Sections 251 and 252 of the Telecommunications Act of 1996

D.T.E. 97-116

Complaint of Global NAPs, Inc. against New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts for declaratory relief with respect to reciprocal compensation.

D.T.E 99-39

**PETITION OF XO MASSACHUSETTS, INC.
FOR LEAVE TO INTERVENE AS A PARTY**

Pursuant to 220 C.M.R. 1.03, XO Massachusetts, Inc. (“XO”) hereby petitions the Department of Telecommunications and Energy (“DTE” or “Department”) for leave to intervene as a party in the above proceedings, stating in support thereof the following:

1. On April 7, 1999, the Department granted XO Massachusetts, Inc. (formerly known as NEXTLINK Massachusetts, Inc.) a certificate of public convenience and necessity to provide local exchange and intrastate toll service within the Commonwealth of Massachusetts. In Massachusetts, XO operates as a CLEC and interexchange carrier, providing telecommunications services. XO’s business address is 1601C Trapelo Road, Waltham, MA 02451. XO is authorized to provide service throughout the Commonwealth, and currently provides service in areas including metropolitan Boston.

2. The DTE opened these dockets to, among other things, resolve complaints filed by MFS and Global NAPs against Verizon for failure to pay reciprocal compensation for ISP-bound traffic.

3. On July 26, 2002 the Department asked parties to comment on Verizon's motion to re-open the dockets to address the Magistrate Judge's concerns.

4. XO requests that it be permitted to intervene as a party at this time in order to adequately represent and protect its interests in this proceeding. XO is substantially and specifically affected by this proceeding because it is a payor and payee of reciprocal compensation to and from Verizon. Any changes to the terms upon which reciprocal compensation is due to or from XO is of concern to it.

5. XO's interest in this matter cannot be adequately addressed or represented by any other party. Consequently, XO's participation in this proceeding will help ensure the development of a comprehensive record, while affording XO the opportunity to protect its interests.

6. XO did not petition the Department before now for the several reasons set forth below and asks the Department to grant this application to intervene at this time. XO's intervention at this time will not delay the proceeding or prejudice any party.

7. When DTE 97-116 was initiated, XO was not authorized to provide service in the Commonwealth. When DTE 99-39 was initiated, XO was just beginning to provide service in the Commonwealth.¹ Now that the Department might have to reconsider the issues that were decided in those cases, XO is a significant carrier in the Commonwealth and exchanges traffic with Verizon that is subject to reciprocal compensation. The Department will benefit from XO's experiences when it reviews the issues in these cases.

8. Since the Department is beginning a new phase in this proceeding, intervention at time is appropriate.

9. If granted leave to intervene, XO intends to fully participate in this proceeding by means of filing of briefs and comments, and potentially testimony or other relevant evidence.

¹ XO was authorized to provide service within the Commonwealth for approximately two (2) weeks before this complaint was filed.

10. All communications and correspondence for this proceeding should be directed to the undersigned and to:

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and

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WHEREFORE, XO Massachusetts, Inc. requests that the Department of Telecommunications and Energy permit it to intervene in these proceedings.

Respectfully submitted,
XO Massachusetts, Inc.

Date: August 1, 2002

By: _____

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